



JAI PUR NATIONAL UNIVERSITY

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SEEDLING SCHOOL OF LAW AND GOVERNANCE

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5th INTERNATIONAL BANKING
AND INVESTMENT LAW
MOOT COURT COMPETITION 2016

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CORDIAL INVITATION

11th April, 2016

Fifth International Banking and Investment Law Moot Court Competition 22nd -23rd October, 2016

Dear Sir/Madam,

Greetings!

At the outset, let us express our heart-felt gratitude for the overwhelming response from the student community of the different law schools of India and abroad since the inaugural Competition held in October 2012. The team from the Faculty of law, National University of Singapore took away the winning trophy and the Symbiosis Law School, Noida, India finishing as the runners up at the inaugural Competition. At the 2nd Competition held in August 2013, Gujarat National Law University, Gujarat took away the trophy. At the Third, the team from K.C.Law College, Mumbai were the winners. At the fourth, National Law University, Assam took away the trophy.

The Seedling School of Law and Governance is now gearing up to organize the 5th edition of the moot competition. It gives us immense pleasure to most cordially invite your esteemed institution to participate in the 5th International Banking and Investment Law Moot Court Competition 2016 being organized by Jaipur National University, Jaipur, at its Seedling School of Law and Governance, Rajasthan, October 22-23, 2016.

The reason why we selected the general theme of Banking and Investment Laws, is because, there are not many International Moot Competitions on that theme. This competition seeks to promote interest in the area of Banking and Investment Laws and more specifically, to kindle in law student's interest in the expanding field of International Banking and Investment Law. This year's Moot Problem focuses on *the impact of retrospective taxation on investment and bilateral investment treaties*.

The competition will indeed be an ideal forum to bring together some of the most creative and intellectual young minds and witness their mastery on advocacy and research skills to be adjudged by experts in the field. We expect teams from leading Law Schools around the globe to participate.

Your Law School is invited to confirm its participation by 5th September, 2016 through email (sslg.mcc@gmail.com). The hard copy of the registration form along with the Demand Draft of Rs. 3,500/- (for the teams from India and other SAARC countries) or Bank Transfer Receipt* for US \$ 100

(for teams from other foreign countries) should reach the organizers by 10th September, 2016.
We look forward to welcoming your team cordially to Jaipur, the Heritage City of India, and to the Moot Court Competition.

Kind Regards,

Cordially Yours,

Prof. V.S. Mani
Director, Seedling School of Law & Governance
(Formerly ISRO Professor of International Space Law, JNU, New Delhi;
Founder Director, GNLU, Gandhinagar;
President, Asian Society of International Law, Singapore, 2011-13;
Elected Member, institute de droit international)

CONTACT DETAILS: Moot Court Committee: sslg.mcc@gmail.com

Prof. Amit Singh: +91-9929692486
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Mr. Prashant Tripathi: +91-8239192326; +91-7839959175
[Convenor, Moot Court Committee]

MOOT PROPOSITION

Ruritanian Telecoms Limited v. The Government of the Republic of Areana

I. Areana - Ruritania Economic Cooperation

1. Areana and Ruritania are two friendly neighbouring countries which have forged strong economic and commercial relations since 1990's. As part of this emerging relationship both the countries have signed an "Agreement between the Government of the Republic of Ruritania and the Government of the Republic of Areana for the Promotion and Mutual Protection of Investments on 23rd December, 1994 (Annexure I). The Agreement came into force on 1st January, 1995. The Finance Ministers of both the countries, while signing the Agreement, said in a *Joint Communiqué, inter alia*, "Both the Republics pledge support for the security of all investments made by the nationals of either country in the other, irrespective of any formal provisions in such agreements." Although the initial period of validity of this agreement was 10 years, since neither party has served notice of termination on the other, the agreement continues to be in force even as investments from either country in the other have proliferated over time.

II. Telecoms Industry

2. It was 1999 that the 2-G mobile cell technology came to be widely introduced in Areana. 2G is the short form for second-generation wireless telephone technology. Second generation 2G cellular telecom networks were first commercially launched on the GSM standard in Finland by Radiolinja in 1991. Three primary benefits of 2G networks over their predecessors were that phone conversations were digitally encrypted; 2G systems were significantly more efficient on the spectrum allowing for far greater mobile phone penetration levels; and 2G introduced data services for mobile, starting with SMS text messages.
3. When the 2-G technology was introduced in Areana, there were not many Areana companies in the field. Areana is divided into 22 telecommunications zones, with 281 zonal licenses. The Ruritanian Government was then encouraging the local entrepreneurs to enter the telecom field, by subsidizing R & D through directly subscribing to the equity of the new telecom companies. Thus was formed the Ruritanian Telecoms Company (RTL) in 1994 with 20 % shareholding by the Ruritanian Government. By the end of 1990's, the Ruritanian Telecoms became a name to reckon with in the world of advanced telecoms technology.
4. In view of the limited number of companies in the field, the Areana Department of Telecommunications (DoT) followed the simple first-come-first-served (FCFS) policy in allocating spectrum licences to eligible applicant firms, in order to encourage more operators to venture in this arena for the benefit of the consumers. During 2003-07 this was the policy followed by Dot.

III. 2-G Scam in Areana

5. In 2008, the Areana Minister for DoT deviated from FCFS policy without consulting the Cabinet. This was done despite a Prime Minister's November 2007 letter advising the Minister to allot 2G spectrum transparently and revise the 2001 license fee. This resulted in a number of flaws of both substantial and procedural nature. First, the license fee of 2001 was retained on the basis of a recommendation of the Telecom Regulatory Authority of Areana, but contrary to the Cabinet decision of 2013. Second, eligibility of the bidder was no longer insisted as a criterion. When the license was issued it was put as a condition in the license that should the licensee lack the necessary technology or infrastructure, it should acquire them as soon as possible or at least within one year of the issuance of the license. In fact according to an Audit Report by the Areana Comptroller and Auditor General, licenses were consciously granted to *ineligible* corporations, including those with no experience in the telecom sector and those who had concealed relevant information. Third, despite the warnings from the Areana Ministry of Finance expressing strong procedural concerns to the DoT, these were ignored, and the cut-off date was moved backwards from 1st October 2007 to 25th September. (The reason for this backdating could probably be that by 1st October, 2007 DoT received 575 applications for UAS licences from 46 companies.). On 25th September, the DOT announced on its website that applicants filing between 3:30 and 4:30 pm that day would be granted licenses, and 122 licenses were shown to have been granted that day, according to a 10th January, 2008 DoT notification.
6. In the result, although one corporation was ineligible, it was granted a license for US\$230 million, but the corporation immediately sold a 45-percent share to a foreign-based Company for US\$620 million. Another ineligible company obtained a license for US\$250 million, but immediately sold a 60-percent share for US\$920 million to yet another foreign-based company.

IV. Joint Venture

7. Even as the Ruritanian investments diversified, Ruritanian mobile cell industry began taking interest in the fast expanding cell market in Areana, since 1995. Thus Ruritanian Telecoms Limited (RTL) entered into a 51:49 joint venture agreement with an Areana company, namely Trans-Areana Air Waves Limited (TAAWL), with 51% shares held by RTL. The joint venture company, Ruritania-Areana Air Waves Limited (RAAWL), formed on 10th February 2008, entered the markets of both countries by March 2008. In lieu of its 49% shares, TAAWL transferred its seventeen 2-G licenses in favour of RAAWL for the entire duration of the licenses (a license was effective for 20 years extendable to 10 more years); whereas RTL pledged its latest technology in favour RAAWL and an undertaking not to sell its brand of cells in Ruritania. It may be noted that TAAWL was among the licensees who were granted licenses under the Areana DoT notification of 25th September, 2007, having won 17 licenses.

V. 2012 Ruling of Supreme Court of Areana

8. In the meantime, Airtel Infotech Co. Ltd, one of the applicant company which had applied for licence as early as January 2007, felt aggrieved of the decision by DoT as its application was not considered under the FCFS rule. It moved the Supreme Court of Areana on writ petition.

Decsslaring the allotment of spectrum as "unconstitutional and arbitrary", the Court quashed all 122 licences issued in January 2008.

9. In the *Airtel Infotech Co. Ltd. v. Government of Areana and Others* decided on 2nd February, 2012, the Supreme Court of Areana held:

77. *The exercise undertaken by the officers of the DoT between September, 2007 and March 2008, under the leadership of the then Minister of C&IT was wholly arbitrary, capricious and contrary to public interest apart from being violative of the doctrine of equality. The material produced before the Court shows that the Minister of C&IT wanted to favour some companies at the cost of the Public Exchequer.*

78. *The manner in which the exercise for grant of Licenses to the applicants was conducted on 10.1.2008 leaves no room for doubt that everything was stage managed to favour those who were able to know in advance the change in the implementation of the first-come-first served policy.*

81. *In the result, the writ petitions are allowed in the following terms:*

(i) *The licences granted to the private respondents on or after 10.1.2008 pursuant to two press releases issued on 10.1.2008 and subsequent allocation of spectrum to the licensees are declared illegal and are quashed.*

(ii) *The above direction shall become operative after four months.*

(iii) *Keeping in view the decision taken by the Areana Government in 2011,*

(iv) *Telecom Regulatory Authority of Areana (TRAA) shall make fresh recommendations for grant of licence and allocation of spectrum in 2G band in 22 Service Areas by auction.*

(v) *The Areana Government shall consider the recommendations of TRAA [on their merits] and take appropriate decision within next one month and fresh licences be granted by auction.*

10. The Court also imposed a fine of US \$ 50 million on two licensee companies, and US \$ 5 million on four other licensee companies which included RAAWL. The Court further stipulated that the licences would continue to be valid for four more months from the date of its judgment, whereafter they should be auctioned by the Areana Government.

VI. Proceedings under Article 9 of the Bilateral Treaty

11. Reacting to the Areana Supreme Court's judgment, RTL invoked its right under Article 9.1 of the Ruritania-Areana bilateral investment treaty by filing a notice of dispute against Areana. The formal notice by RTL, served on the government of Areana by the Embassy of Ruritania, Timbactoo (Republic of Areana) requested the Republic of Areana to settle the dispute relating to the revocation of RAAWL's 17 telecom licenses in an amicable way within six months. If the dispute was not amicably resolved by August 28, 2012 RTL reserved the right to commence proceedings against The Republic of Areana as provided in the bilateral

treaty. RTL believed that the cancellation of RAAWL's licenses following RTL's investment of billions of dollars into the Areana cellular sector was contrary to India's obligations under the BIT, including obligations to provide investments with full protection and security and obligations not to expropriate investments.

12. Following RTL's notice, the Government of Areana entered into negotiations with RTL and the Ruritanian Government. It drew the attention of the Ruritanian parties to Para 81 (iv) of the Supreme Court Ruling, and asked them to await the outcome of the public auction. Also, one of the companies penalized with US \$ 50 million fine had preferred a review of the on 2nd February, 2012 Judgment of the Areana Supreme Court on 10th December, 2012 and this review was pending decision. For these reasons, the Government requested RTL to postpone the conciliation proceedings. For the moment RTL, upon a little persuasion from the Ruritanian Government, decided to suspend the conciliation proceeding.
13. However, RTL found the subsequent developments unacceptable. The auction that took place on 15th November 2012, proved too expensive for RAAWL which had to pay US \$ 1400/= million per licence. The review petition was dismissed by the Areana Supreme Court in June 2013. Further, one of the losing bidders at the auction, Airwaves Holding Company, filed a writ petition in the Areana State High Court questioning both the reserve price at the auction and also participation by companies fined by the Supreme Court in its February 2012 judgment. The Areana State High Court, without serving notices on the said companies, finally decided *Airwaves Holding v. the Areana Department of Telecoms* on 30th January, 2015, holding that the companies fined by the Supreme Court in its February 2012 judgment were disqualified from the auction involving the spectrum as available as at 10th January, 2008, and that for that reason, the 15th November, 2012 auction was illegal. The Areana Department of Telecoms' appealed against this ruling before the Supreme Court which is pending. The Supreme Court refused to implead any interveners as there were none before the High Court.
14. In the meantime, the Government of Areana did propose to RTL other lucrative areas of investment, such as manufacturing of mobile cells and I-Pads. However, taking the view that no useful purpose would be served either by resorting to any further grievance redressal mechanism or to waiting any longer for the conciliation procedure, RTL has now invoked the arbitration procedure vide Article 9 (2) of the Bilateral Treaty. Areana Government has accepted the notice of arbitration under protest.
15. RTL's arguments in a nutshell include the following:
 1. There are no effective legal remedies to be exhausted.
 2. The February 2012 Supreme Court judgment amounted to deprivation of property for which RTL deserves compensation, equivalent to the losses suffered by RAAWL.
 3. The January 2015 ruling of the State High Court amounted to another count of deprivation

of property.

4. Both the deprivations were tantamount to deprivation of sovereign wealth of the Ruritanian Republic, in violation of the principle of sovereign immunity.
5. 30th January, 2015 Judgment of the Areana State High Court and the procedure followed by the Supreme Court on appeal amounted to denial of justice under international law.
6. Compensation is due on each of these counts.

Assumptions:

1. Both Ruritania and Areana are parties to all relevant treaties and international conventions and have undertaken to implement them in their National Laws.
2. RTL shall be deemed the “Applicant” and the Republic of Areana, “the Respondent.”

RULES OF THE COMPETITION

ARTICLE 1: AIMS

The aims of the International Banking and Investment Law Moot Court Competition are to promote the interest in, involvement in and knowledge of Banking and Investment Law among students by providing a fair and competitive environment for the exchange of thoughts and the deepening of understanding of Banking and Investment Law.

ARTICLE 2: DEFINITIONS

The following terms shall have the corresponding meanings unless otherwise specified:

1. 'Applicant' means the side of the Team which argues on behalf of the Applicant at any given point in the Competition.
2. 'Bench Memorandum' means the memorandum of Laws and authorities concerning the Competition Problem.
3. 'Case Clarification & Correction' (hereinafter referred to as "Clarifications") means the official clarifications and corrections as published on the Official Website of the Competition, pursuant to "Article 6".
4. 'Compendium' means the Compiled Research Material.
5. 'Competition Rules' means the Official Rules and Regulations of the Competition as amended from time to time.
6. 'Competition' means the 5th International Banking and Investment Law Moot Court Competition 2016.
7. 'Developing Countries or Economies' for the purpose of these rules shall mean all those countries, excluding India, falling under such classification as specified according to the latest norms of the International Monetary Fund (IMF).
8. 'I.S.T.' means Indian Standard Time.
9. 'Least Developed Countries' for the purpose of these rules shall mean all those countries according to the latest norms of the United Nations.
10. 'Memorials' means the Written Submissions of a team, submitted pursuant to these rules.
11. 'Moot Court Committee' (Hereinafter M.C.C.) for the purpose of this Moot Court Competition means the Committee as for the administration and conduct of the Competition, including any other authorised person, and of all events leading to the Competition.
12. 'Official Team Contact Person' means the individual identified by the Team during the registration

process for receipt of official team correspondence.

13. 'Oral Pleading' means the pleading before a Panel as explained under "Evaluation Criteria for Written Submission".
14. 'Moot Court Committee' (hereinafter referred to as "M.C.C.") means the Committee appointed for the administration and conduct of the Competition, including any other authorized persons, and of all events leading to the Competition.
15. 'Panel' mean the Adjudicators of an Oral Pleading Session collectively.
16. 'Participant' means any member of the Participating Team.
17. 'Penalty' means the consequence of a rule violation, whether disqualification or the deduction of points. Individually, such a person would be referred to as 'Panelist'.
18. 'Rebuttals' refer to the set of Arguments/challenges that the Applicant shall raise at the end of the main pleadings of all the Orators. This shall be replied to in the appropriate manner by the Respondent.
19. 'Researcher' means that member of the Team who is not a Speaker.
20. 'Respondent' means the side of the Team which argues on behalf of the Respondent at any given point in the Competition.
21. 'Speaker' means the designated speaker of the Team.
22. 'Team Code' means the code allocated to a Team through a draw of lots.
23. 'Team' means the registered representatives of any University or College participating in the Competition and does not include a team participating as an observer.

ARTICLE 3: ORGANISATION

The organization of the Competition takes place under the auspices of the Seedling School of Law and Governance, Jaipur National University. For this purpose the Seedling School of Law and Governance has constituted a Moot Court Committee which is authorised to organise the 5th International Banking and Investment Law (IBAIL) Moot Court Competition 2016.

The Moot Court Committee will publish a time-table with all relevant deadlines and dates for the competition on the designated website (www.jnujaipur.ac.in) of the Competition.

ARTICLE 4: ELIGIBILITY FOR PARTICIPATION

- 1) The Competition is open to all students, enrolled bona fide on a regular basis in an Undergraduate/Post Graduate law course (3 year LL.B. course) or its equivalent conducted by any

recognised Institution/College/University of any country.

- 2) No Institution/College/University shall enter the Competition with more than one team in any year.
- 3) A cap of 40 Teams is reserved for the Competition.
- 4) Eligibility for a Team Member: A person may be a Team Member-
 - i. If he or she is pursuing a law degree;
 - ii. If he or she intends to compete on behalf of an eligible institution at which he or she is enrolled as a full-time student as of either (a) the Team Member registration deadline, (b) the institution's deadline; and
- 5) Each Team shall comprise of a minimum of Two Members and a maximum of three Members. In a Team comprising of two Members, both the Members shall be designated as Speakers. In a Team comprising of three Members, the third Member of the team shall be designated as Researcher.
- 6) Any additional Member or Team Coach of any Team shall not formally be recognised and will not be entitled to a certificate from the M.C.C.

ARTICLE 5: LANGUAGE

The language of the Competition shall be English.

ARTICLE 6: CLARIFICATIONS TO THE CASE

- 1) Teams may request for Clarifications via e-mail to sslg.mcc@gmail.com, latest by August 10, 2016 (11.59 P.M. IST).
- 2) All Clarifications will be sent to the respective teams via Email by August 17, 2016.

ARTICLE 7: ANONYMITY OF TEAMS

- 1) Teams shall not reveal their identity in any form, except by means of the Team Code allotted to them during the Competition.
- 2) The Written Submissions shall not reveal the identity of the team in any form and should not bear the logo, name etc. of the University represented.
- 3) Any material presented to the Panel should be devoid of any identification marks/seal of the Team. If any such mark/seal exists, it must be rendered unrecognizable.
- 4) Any violation of Rule 2 and 3 shall attract severe penalty or disqualification as determined by the M.C.C. The decision of the M.C.C. in this regard shall be final and not subject to challenge.

ARTICLE 8: DRESS CODE

- 1) All Participants (Both Male and Female) shall wear Black Blazer, Black Trouser, White Shirt, Black Shoes with Black Socks and Black Tie.
- 2) Non Compliance of Clause (1) will lead to penalty. Refer (Article 19).

ARTICLE 9: REGISTRATION

9.1) General Rules

- 1.1 Each team shall complete the registration within the stipulated time. The registration is a two-step process comprising of filling up of the registration form and payment of the registration fee as provided in Rule 9.2.
- 1.2 Registration will be open till September 5, 2016 (11.59 P.M. IST). The registration form can be downloaded from the official website of the Competition.
- 1.3 The Teams are required to send a bona-fide letter issued by the appropriate authority of their College or University along with the duly filled registration form.

9.2) Registration Fee

- 2.1 The Registration Fee is INR 3,500/- for Indian teams, Least Developed Countries or Developing Countries/ Economies. Teams from Least Developed Countries or Developing Countries/ Economies may pay in INR or its equivalent amount in US Dollars or Euro.
- 2.2 All other Teams shall pay US \$ 100 or its equivalent excluding service charge (if any) in Euro as registration fee.

9.3) Payment of Registration Fee

- 3.1 Indian Teams must make payment by Demand Draft. The procedure for the same has been provided in the Annexure to the Competition Rules.
- 3.2 Payment by all other teams must be made by Bank Transfer. The procedure for the same has been provided in the registration form.
- 3.3 All the formalities concerning the registration process should be completed by September 10, 2016. The decision of the M.C.C. shall be final in this regard.
- 3.4 Once the Team is registered after completing the formalities given in Rule 9.1 a Team Code shall be assigned to it by September 15, 2016.
- 3.5 A Team that has registered pursuant to Rules 9.1 and 9.2 may change its composition only after informing the M.C.C. of such change. Any changes with respect to the contact details shall be

notified to the M.C.C. with immediate effect. This obligation to inform shall continue throughout the course of the Competition.

ARTICLE 10: WRITTEN SUBMISSION

- 1) Each Team is required to submit Memorials on behalf of both the Applicant and the Respondent.
- 2) Each Team shall send one (1) soft copy of the written Submission for each side in MSWord Document 2010 (.docx) format only, via E-mail, on or before October 03, 2016 (2359 Hrs. I.S.T.) to sslg.mcc@gmail.com. (See Article 19)
- 3) Each Team shall send one (1) hard copy of each memorial to the organisers on or before October 10, 2016 to the address below. Submission beyond this date would be subject to the discretion of the organisers and will be subject to penalty.

Moot Court Committee,
Seedling School of Law and Governance,
Jaipur National University,
SADTM Campus, Jaipur-Agra By pass, Near New RTO
Jagatpura, Jaipur (Rajasthan) INDIA
Pin Code: 302017

- 4) Each Team shall carry with them five hard copies of the Memorials for each side [five for the Applicant and Five for the Respondent] on their arrival.
- 5) The hard copies must be the exact print out of the soft copy; else the team will entail disqualification from the competition.
- 6) The Written Submission shall consist of the following mandatory heads:
 - (a) Cover Page;
 - (b) Title Page;
 - (c) Table of Contents;
 - (d) List of Abbreviations;
 - (e) Table of Authorities;
 - (f) Questions Presented;
 - (G) Fact Highlights, which may creatively and persuasively state the facts of the problem in support of the positions argued in the Written Submission. The Statement of Facts should remain faithful to the official facts and present them in a reasonable way, but not a true copy of it.
 - (h) Summary of Arguments;

- (i) Argument including footnotes; and
 - (j) Final Submissions to the Tribunal.
- 7) Written Submission not in accordance with Article 10 (6) shall be subject to penalty. (See Article 19)
- 8) The Written Submission (including the preliminary pages) shall be typed on A4-sized paper, with the following mandatory specifications:
- (a) Font type: Times New Roman
 - (b) Font size: 12
 - (c) Line spacing: 1.5
 - (d) Body of text: Justified

For Footnotes, the formatting specifications are:

- (a) Font type: Times New Roman
 - (b) Font size: 10
 - (c) Single spacing
 - (d) Paragraph spacing: 0
 - (e) No additional space between 2 footnotes
 - (f) Body of text: Justified
- 9) Table of Contents, List of Abbreviations, Table of Authorities, Section Headings and Footnotes shall be typed Single-spaced.
- 10) Teams shall cite authorities in the Memorials using footnotes following a Uniform mode of Citation.
- 11) Footnotes should be limited only to citations and must not contain extra information or arguments.
- 12) The Written Submission shall not contain any annexure, photographs, graphs, diagrams or any other representation of like nature.
- 13) Memorials should be preferably staple bound comb/spiral or any other form of binding will be considered improper. Kindly avoid plastic sheet separators.

- 14) Memorials shall not in any way identify the Team, its members, the law school, faculty, university or other participating institution except with the Team Code as assigned by the Organisers. The electronic version of memorials shall not have any electronic identification of the Team.
- 15) Following colour scheme shall be followed for the cover page of the Written Submission:
 - (a) Applicant: BLUE
 - (B) Respondent: RED

ARTICLE 11: ORAL PLEADING

- 1) Any form of scouting during the Competition is strictly prohibited and shall entail instant disqualification of the Team.
- 2) The proceedings and method of presentation of oral arguments shall be, to the extent possible, in alignment with the procedure adopted by the International Chamber of Commerce.
- 3) The order in which Teams shall submit their Oral Pleading throughout the Competition shall be:
Speaker 1 for Applicant
Speaker 2 for Applicant
Speaker 1 for Respondent
Speaker 2 for Respondent
Rebuttals shall be allowed by one of the Speaker of the Applicant Team.
- 4) In case of any Team fails to appear in an oral round, the round shall be conducted ex- parte and the scoring shall be done as if the defaulter Team had been present and arguing.
- 5) Before the start of the oral rounds, each Team shall inform the Court Officer regarding the order of speaking as well as allocation of time between themselves and the time reserved for Rebuttals.
- 6) If a Speaker speaks for more than the time reserved for him/her, the extra time used by such Speaker shall be deducted from the time allotted to the second Speaker of that team. If the second Speaker exceeds the time allotted to him/her, such time exceeded shall be deducted from the time reserved for Rebuttals.
- 7) Compendium can be submitted to the Court Officer prior to the oral rounds which will be submitted to the judges at their discretion. Any further material may be passed at the discretion of the Panel. Team members can pass research materials to the Speaker in a discreet manner.
- 8) Any Team which violates any of the Rules with respect to the oral rounds may be penalised. The decision of the panel shall be final in this regard.
- 9) During the oral rounds, Speakers at the podium and participants seated at counsel table shall not operate, for any purpose, Mobile Phones, Laptop Computers, iPad, or any other computer or electronic devices which are internet enabled or has instant messaging capabilities.

10) A Team that violates Article 11 (9) forfeits up to six (6) Oral Round marks. The M.C.C. shall determine a penalty that corresponds to the severity of the violation.

11) Preliminary Rounds/Quarter Finals:

(a) Each oral round will be for a period of 60 minutes, (inclusive of Rebuttals), wherein each Team will be allotted 30 minutes including the time for Rebuttals. Any extension of time beyond this specified period is subject to the discretion of the Panel.

(b) No Team shall reserve more than 5 minutes for Rebuttals.

(c) No Researcher of any Team will be permitted to speak but would be allowed to communicate with his/her team member in a discreet manner.

12) Semi Finals:

(a) Each oral round will be for a period of 80 minutes, (including Rebuttals), wherein each Team will be allowed 40 minutes. Any extension of time beyond this specified period is subject to the discretion of the Panel.

(b) No Team shall reserve more than 5 minutes for Rebuttals.

13) Finals:

(a) Each oral round will be for a period of 90 minutes, (including Rebuttals), wherein each Team will be allowed 45 minutes. Any extension of time beyond this specified period is subject to the discretion of the Panel.

(b) No Team shall reserve more than 5 minutes for Rebuttals.

ARTICLE 12: EVALUATION CRITERIA FOR WRITTEN SUBMISSION

1. The Memorial marks of each Team in the preliminary rounds shall be awarded by a discrete Panel other than the Oral Pleading Sessions Panel.

2. Every Written Submission will be marked on Scale of 100 and will be evaluated according to the following criteria

S.No.	Marking Criteria	Maximum Marks Allocated
1.	Knowledge of fact & Law	20
2.	Application of Law & Facts	20
3.	Use of Authority / Precedents	20
4.	Organisation of Arguments and Clarity of Thoughts	20
5.	Mode of Citation of source	10
6.	Presentation Style	10
	TOTAL	100

ARTICLE 13: EVALUATION CRITERIA FOR ORAL PLEADING

1. The Oral Pleading Session would be marked on scale of 100 per Panellist and would be evaluated on the following grounds-

S.No.	Marking Criteria	Maximum Marks Allocated
1.	Knowledge of Law & Facts	10
2.	Use of Facts in Arguments	10
3.	Interpretation of Law and its Application to Facts	20
4.	Use of Authorities	10
5.	Response to Questions	10
6.	Organization of Arguments and clarity of thought	20
7.	Argumentative Skills and Creativity	10
8.	Court Mannerisms	10
	TOTAL	100

2. The decision of the Panel regarding the allocation of marks shall be final. Each panellist shall give his/her score separately. All scores of panellists of a panel shall than be added up and divided by the number of panellist to find the final score.

ARTICLE 14: STRUCTURE OF THE COMPETITION

- 1) The Competition Rounds shall be held over a period of 2 days from October 22nd to October 23rd 2016. The Memorial Exchange will take place in the afternoon of October 21st, 2016.
- 2) The Competition shall consist of four (4) Rounds:
 - (a) The Preliminary Rounds;
 - (b) The Quarter Finals;
 - (c) The Semi Finals; and
 - (d) The Final
- 3) Preliminary Rounds:
 - (a) In the Preliminary rounds, each Team shall argue once as Applicant and once as Respondent. The Team which argues for the Applicant in the first Preliminary Round shall argue for the Respondent in the second Preliminary Round, and vice-versa.
 - (b) At the end of both preliminary rounds, the top eight teams will qualify for the quarter finals on the basis of their wins in both Preliminary rounds.
 - (c) A team shall be credited with a win if its total marks in the respective session, as calculated as per Article 13, are higher than its opponent team. The total scores for the preliminary rounds shall be

out of 200.

- (d) In case of a tie, the marks of the memorials will be considered in addition to the scores of preliminary rounds. The team with the higher score will advance to the Quarter Finals.
- (e) The Teams are required to return the hard copy of their opponent's Written Submission to the Moot Officers soon after the Oral Rounds.

4) Quarter Finals:

- (a) The quarter finals will be knock-out rounds. A Team will be credited with a win in the quarter finals if their total marks, as calculated in accordance with Article 13 are higher than its opponent's Teams.
- (b) In case of a tie, the total oral marks of the Teams in the previous round(s) will be considered. The Team with the higher score will win.
- (c) If the situation of tie still persists, then it would be resolved through the toss of coin.
- (d) The Teams are required to return the hard copy of their opponent's Written Submission to the Moot Officers soon after the Oral Rounds.

5) Semi Finals:

- (a) The quarter finals will be knock-out rounds. A Team will be credited with a win in the Semi-finals if their total marks, as calculated in accordance with Article 13 are higher than its opponent's Teams.
- (b) In case of a tie, the total oral marks of the Teams in the previous round(s) will be considered. The Team with the higher score will win.
- (c) If the situation of tie still persists, then it would be resolved through the toss of coin.
- (d) The Teams are required to return the hard copy of their opponent's Written Submission to the Moot Officers soon after the Oral Rounds.

6) Final:

Winner of The Final will be decided on the basis of Oral Arguments only.

ARTICLE 15: REPORTING OF RESULTS

- 1) Cumulative Memorial Score of each team will be notified to them after the finals.
- 2) A Copy of Oral Score-sheet of the Preliminary, Quarterfinal, Semi-final and Final Rounds will be notified soon after the end of respective rounds.

ARTICLE 16: AWARDS

- 1) The Winning Team shall be awarded a Trophy and a cash prize of I.N.R. 25,000.
- 2) The Runner-ups Team shall be awarded a cash prize of I.N.R. 15,000.
- 3) The Best Written Submission award carries a Plaque and cash prize of I.N.R. 6,000.
- 4) The Best Speaker shall be awarded a Plaque and a cash prize of I.N.R. 4,000.

Note: The Prize Money can be increased depending upon the sponsorship.

ARTICLE 17: INTERPRETATION OF RULES

The M.C.C. shall serve as final arbiter of implementation and interpretation of these Rules.

ARTICLE 18: COMPLAINT PROCEDURE

- 1) If a Team believes that violation of the Competition Rules has taken place at any stage of the Competition, the Team(s) within half an hour after the completion of the round in which violation has allegedly occurred should register a complaint with the Student Convener. Team(s) under no circumstances shall approach the Panel with any complaints.
- 2) Teams may approach to M.C.C. for redressal of their complaint which shall be in writing. Complaint shall clearly describe the violation and the parties involved in the violation. The Team shall not directly approach the judges regarding a violation of these Rules.
- 3) M.C.C. will have a final say on the Complaints made by a Team.

ARTICLE 19: PENALTIES

- 1) Penalty points may be deducted only by the Administrator. In no instance shall judges themselves deduct from the scores of the Speakers any Penalty points. Judges shall score the Oral Rounds as if no violation occurred.
- 2) Any Memorials violating any of the specified rules mentioned under Article 10 will be penalised according to the following scheme:

S.No.	Scheme of Deduction	Marks Deducted
1.	Non-Compliance with Article 08 (2)	2 Marks
2.	Non-Compliance with Article 10 (2)	2 Marks
3.	Non-Compliance with Article 10 (7)	3 Marks
4.	Non-Compliance with Article 10 (8)	3 Marks
5.	Non-Compliance with Article 10 (9)	1 Marks
6.	Non-Compliance with Article 10 (10)	2 Marks
7.	Non-Compliance with Article 10 (13)	4 Marks
8.	Non-Compliance with Article 10 (14)	3 Marks

ARTICLE 20: MISCELLANEOUS

- 1) Accommodation shall be provided only to the participants during the days of the Competition. Teams who intend to arrive prior to or leave after the specified dates may be provided accommodation subject to availability and upon payment of requisite charges.
- 2) The M.C.C. reserves the right to modify any of the Competition Rules at any point of time. The M.C.C. shall communicate any changes made in the Competition Rules to the Teams.
- 3) The M.C.C. reserves the right to take decisions on any matter not mentioned in the Competition Rules. Any such decision taken by the M.C.C. shall be final and binding.
- 4) The M.C.C. reserves the right to interpret any of the Competition Rules. Such interpretation shall be final and binding.
- 5) Communication at the counsel table between Team Members may only be in writing to prevent disruption. Teams and team-affiliated spectators shall avoid all unnecessary noise, outbursts, or other inappropriate behaviour which distracts from the argument in progress.

CONTACT DETAILS:

Moot Court Committee- sslg.mcc@gmail.com

Prof. Amit Singh: +91- 9929692486

[Associate Professor of Law & Faculty Advisor, Moot Court Committee]

Mr. Prashant Tripathi: +91- 8239192326; +91- 7839959175.

[Convenor, Moot Court Committee]

REGISTRATION FORM

Registration Procedure Part-A

A. Institution Registration Form:

The number of participants in a team shall be three. Information required herein is mandatory. A bona fide certificate issued by an appropriate authority of the institution/ college /university must be sent along with this registration form.

Institution/ College/University Information:

Address: _____

Postal Code: _____ City: _____ Country: _____

Contact No: _____ Email Address: _____

B. Team Registration Form

Speaker 1

Name: _____

Date of Birth (dd/mm/yyyy): _____ Sex: _____ Nationality: _____

Contact No: _____ Email Address: _____

Current Degree Pursuing: _____

Speaker 2:

Name: _____

Date of Birth (dd/mm/yyyy): _____ Sex: _____ Nationality: _____

Contact No: _____ Email Address: _____

Current Degree Pursuing: _____

Researcher:

Name: _____

Date of Birth (dd/mm/yyyy): _____ Sex: _____ Nationality: _____

Contact No: _____ Email Address: _____

Current Degree Pursuing: _____

Registration Procedure Part-B

C. Mode of Payment:

The mode of payment will be Demand Draft / Bank Transfer . The deadline for payment of the Registration Fee is 05th September, 2016.

C1. Demand Draft (Only for Indian Teams)

Demand Draft of INR 3,500/- in favour of "JAIPUR NATIONAL UNIVERSITY EVENT" payable at "JAIPUR" enclosed:

Bank DD Number: _____

Bank Name: _____

Date of issue: _____

C2. Bank Transfer (Only for Foreign Teams)

For Foreign Teams (Other than SAARC Countries)
Bank Transfer Details for US \$ 100/=

Country: _____

Currency Used: _____

Transfer Date: _____

Bank Receipt No. or Transaction ID: _____

NOTES:

1. The fee for INR. 3,500/- applies to teams for the SAARC Countries.
2. NAME: JAIPUR NATIONAL UNIVERSITY EVENT
BANK: PUNJAB NATIONAL BANK
BRANCH: JAWAHAR NAGAR, JAIPUR
IFSC: PUNB0224600
Account No. 2246002100026625
3. Please send the scanned copy of the Demand Draft (Indian Teams) and Bank Receipt (Foreign teams) with this form while you send the soft copy of this registration form. However, this does not confirm the registration until the hardcopy is received.

Date:

(Seal and Signature of the Head of the Institution)

SCHEDULE OF EVENTS

11 th APRIL, 2016	RELEASE DATE OF COMPROMIS
11 th APRIL, 2016	REGISTRATION OPEN
05 th SEPTEMBER, 2016	LAST DATE FOR REGISTRATION BY EMAIL
10 th SEPTEMBER, 2016	LAST DATE FOR REGISTRATION BY HARD COPY
10 th AUGUST, 2016	LAST DATE FOR CLARIFICATIONS
17 th AUGUST, 2016	RELEASING OF CLARIFICATIONS
03 rd OCTOBER, 2016	SOFT COPY SUBMISSIONS OF MEMORIALS
10 th OCTOBER, 2016	ONE HARD COPY SUBMISSION
21 st OCTOBER, 2016	ORIENTATION, REGISTRATION, DRAW OF LOTS & MEMORIAL EXCHANGE
22 nd OCTOBER, 2016	INAUGURATION, PRELIMINARY ROUNDS & QUARTER FINAL ROUNDS
23 rd OCTOBER , 2016	SEMI FINAL ROUNDS & FINAL ROUNDS [VALEDICATION PROGRAM]

TRAVEL AND ACCOMMODATION FORM

Name of Institution: _____

ARRIVAL DETAILS

S.No	Name of Participant	Date & Time of Arrival	Mode of Arrival	Train No./ Bus No./ Flight No.	Other Details (if any)

DEPARTURE DETAILS

S.No	Name of Participant	Date & Time of Departure	Mode of Departure	Train No./ Bus No./ Flight No.	Other Details (if any)

ACCOMMODATION DETAILS

Accommodation Facility Required: Yes No

If yes, then:

a. Number of Male Members: _____

b. Number of Female Members: _____

Additional Member(s), if any*

a. Number of Male Members: _____

b. Number of Female Members: _____

Date: _____

(Signature & Seal of Institution)

* Each additional member will have to pay INR 800/- per day. This amount is inclusive of accommodation and food.